

**To:** Szelag, Matthew[Szelag.Matthew@epa.gov]  
**From:** Fleisig, Erica  
**Sent:** Tue 3/7/2017 1:25:18 PM  
**Subject:** Re: WA Toxic Criteria and AWB Petitions

I realized I want to do some more number crunching with these, so I'll try to do that when I get in and send to you.

**From:** Fleisig, Erica  
**Sent:** Monday, March 6, 2017 11:02:02 PM  
**To:** Szelag, Matthew (Szelag.Matthew@epa.gov)  
**Subject:** FW: WA Toxic Criteria and AWB Petitions

Here's how I'd answer some of these Qs with the attached. Also, can you check marine chronic cyanide? I don't see a value in WA's criteria table, but our spreadsheet has a value (that matches the acute value). If you can please give this a quick review and then send back to the group with the answers to David's questions below, that would be awesome.

Also, turns out the sorting thing is pretty easy. You just highlight the column, go to the Data tab, and click "Filter." Then it gives you all the options, including filtering by color (to filter just the yellow cells where the HHC are more stringent).

-Erica

**From:** Berol, David  
**Sent:** Monday, March 06, 2017 1:57 PM  
**To:** Fleisig, Erica <Fleisig.Erica@epa.gov>  
**Cc:** Crk, Tanja <Crk.Tanja@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>; Szalay, Endre <Szalay.Endre@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Fidis, Alexander <Fidis.Alexander@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Ford, Peter <Ford.Peter@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>  
**Subject:** Re: WA Toxic Criteria and AWB Petitions

Thanks, Erica.



-- David Berol  
U.S. EPA Office of General Counsel  
202-564-6873

On Mar 5, 2017, at 11:44 PM, Fleisig, Erica <[Fleisig.Erica@epa.gov](mailto:Fleisig.Erica@epa.gov)> wrote:

David, to your last point, Matt has been digging up some old spreadsheets we had developed to compare WA's criteria to our current 304a, and to values in OR and ID where we had received corresponding jeopardy opinions. I'm

## Ex. 5 - Attorney Client / Deliberative Process

-Erica

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**From:** Berol, David

**Sent:** Friday, March 03, 2017 3:35 PM

**To:** Crk, Tanja <[Crk.Tanja@epa.gov](mailto:Crk.Tanja@epa.gov)>; Chung, Angela <[Chung.Angela@epa.gov](mailto:Chung.Angela@epa.gov)>; Szelag, Matthew <[Szelag.Matthew@epa.gov](mailto:Szelag.Matthew@epa.gov)>; Guzzo, Lindsay <[Guzzo.Lindsay@epa.gov](mailto:Guzzo.Lindsay@epa.gov)>; Szalay, Endre <[Szalay.Endre@epa.gov](mailto:Szalay.Endre@epa.gov)>; Steiner-Riley, Cara <[Steiner-Riley.Cara@epa.gov](mailto:Steiner-Riley.Cara@epa.gov)>; Fleisig, Erica <[Fleisig.Erica@epa.gov](mailto:Fleisig.Erica@epa.gov)>; Fidis, Alexander <[Fidis.Alexander@epa.gov](mailto:Fidis.Alexander@epa.gov)>; Buffo, Corey <[Buffo.Corey@epa.gov](mailto:Buffo.Corey@epa.gov)>; Ford, Peter <[Ford.Peter@epa.gov](mailto:Ford.Peter@epa.gov)>

**Cc:** Schroer, Lee <[schroer.lee@epa.gov](mailto:schroer.lee@epa.gov)>

**Subject:** RE: WA Toxic Criteria and AWB Petitions

*Attorney-Client Privileged; Deliberative*

All –

## Ex. 5 - Attorney Client / Deliberative Process

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*David Berol*

U.S. EPA Office of General Counsel  
202-564-6873  
[berol.david@epa.gov](mailto:berol.david@epa.gov)

-----Original Appointment-----

**From:** Crk, Tanja

**Sent:** Thursday, February 23, 2017 9:59 AM

**To:** Crk, Tanja; Chung, Angela; Szelag, Matthew; Guzzo, Lindsay; Szalay, Endre; Steiner-Riley, Cara; Fleisig, Erica; Fidis, Alexander; Buffo, Corey; Berol, David; Ford, Peter

**Cc:** Schroer, Lee

**Subject:** WA Toxic Criteria and AWB Petitions

**When:** Tuesday, March 07, 2017 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** HQ-Room-WJCW-6124-50pp

### **Ex. 6 - Personal Privacy**

*Note that this is an EPA (internal) meeting for staff and BCs to discuss two petitions: 1) the complaint by NWEA regarding EPA's response (or failure to respond) to the NWEA petition to update the WQC for toxics in WA and includes a no action reference on arsenic, dioxin, and thallium; and 2) the AWB petition to withdraw the federal rule in WA.*

## **Ex. 5 - Deliberative Process / ACP**

### Agenda

1. Discuss the WA petition from NWEA

[NWEA petition response.pdf](#)

Response to NWEA May 2016. Is there an email record of sending this petition response to Nina?

2. Discuss the AWB petition